IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Bail Appl..No. 5800 of 2007()

CRIME NO.322/07 OF PAVARATTY POLICE STATION

: PETITIONER/5HT ACCUSED

UDHAYAN.N.K.,
S/O.KESAVAN, NALUPURAKKAL HOUSE,
ANNAKKARA DESOM, MULLASSERY VILLAGE.

BY ADV. SRI.K.V.RAMANATHAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/09/2007 ALONG WITH B.A.NO.5830 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.Nos.5800 & 5830 of 2007

Dated this the 26th day of September, 2007

ORDER

Applications for regular bail. The petitioners are accused 2 and 5 in a crime registered for offences punishable, inter alia, under Sections 468 and 420 I.P.C. Altogether there are 5 accused persons. The gist of the allegations against accused persons is that they were engaged in an organised criminal activity of forging driving licences and making the same available to those who require such licences, after receiving consideration. The 2nd accused is a former employee of the Motor Vehicles Department. The 5th accused is allegedly an agent along with the 1st accused, who works in the premises of the office of the Motor Vehicles Department. The defacto complainant got a driving licence through the 1st accused. He came to know on closer examination that it was not a genuine driving licence, but was a fake one. He filed a complaint and thereupon the investigation commenced. In the course of investigation, complicity of the petitioners herein ie. the 2nd and 5th accused has been ascertained. On search of the house of the 2nd accused, forged seals which were affixed in the fake driving licences were recovered. When the 5th accused was arrested, he had in his personal possession some fake driving licences.

Investigation is in progress. The petitioners who were arrested on 25.08.07 continue to remain in custody.

2. The learned counsel for the petitioners submit that the petitioners are innocent and that they have been unnecessarily dragged into the controversy. The learned counsel for the 2nd accused submits that the 2nd accused suffers from psychiatric ailments and in these circumstances bail may be granted to the 2nd accused. The learned counsel for the 5th accused submits that in the F.I.R no allegations have been raised against the 5th accused and it is only in the course of investigation, that false allegations are now being raised against him. Both the counsel, in these circumstances, pray that regular bail may be granted to the petitioners, who continue in custody from 25.08.07.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the allegations raised against the petitioners are serious. The same require close and exhaustive investigation. The petitioners may not be enlarged on bail at this early stage.

4. I have considered all the relevant inputs. The learned Public Prosecutor has read over to me the relevant portions in the case diary which reveal the nature of the seizures effected from the

possession of the petitioners herein. At this early stage of investigation, I shall carefully avoid any detailed discussion on merits about the acceptability of the allegations or the credibility of the data collected. Suffice it to say that on an anxious consideration of all the relevant inputs, including the nature and gravity of the allegations, the quantum and quality of the data collected so far and the stage of investigation, I am not persuaded to agree that the petitioners deserve to be enlarged on bail at this stage.

5. These applications for regular bail are, in these circumstances, dismissed, but with the observation that the petitioners shall be at liberty to move the courts below or this Court for bail again at a later stage of the investigation - not, at any rate, prior to 10.10.07. The investigators shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-